

BEFORE THE
Federal Communications Commission **RECEIVED**

WASHINGTON, D.C. 20554

MAR 17 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In The Matter of)
)
Reorganization and Revision of)
Parts 1, 2, 21, and 94 of the)
Rules to Establish a New Part 101)
Governing Terrestrial Microwave)
Fixed Radio Service)

WT Docket No. 94-148

DOCKET FILE COPY ORIGINAL

To: The Commission

REPLY COMMENTS
OF THE
AMERICAN PETROLEUM INSTITUTE

The American Petroleum Institute ("API"), by its attorneys and pursuant to Section 1.415 of the Rules and Regulations of the Federal Communications Commission ("Commission" or "FCC"), hereby respectfully submits these Reply Comments in response to the Comments filed in the instant proceeding on February 17, 1995 that addressed issues raised in the Commission's Notice of Proposed Rule Making ("Notice").^{1/}

^{1/} 60 Fed. Reg. 2722 (January 11, 1995). The dates for filing Comments and Reply Comments in this proceeding were extended to February 17, 1995 and March 17, 1995, respectively. 60 Fed. Reg. 10038 (February 23, 1995).

No. of Copies rec'd 0x9
List A B C D E

REPLY COMMENTS

1. API reiterates its belief that the Commission's proposal to require 50% payload capacity for bandwidths greater than 10 MHz is excessive. Private Operational-Fixed Services (POFS) need flexible loading standards in order to maintain as much consistency of equipment as possible within a system. In addition, in a typical POFS system, loading will vary from hop to hop, and over time. API believes that in order to provide adequate flexibility, the Commission's proposed channel loading requirement should be reduced from 50% to 25% for analog systems.

2. In the Appendix to Joint Comments filed in this proceeding by the National Spectrum Managers Association, Inc. and Telecommunications Industry Association (together, TIA), TIA proposed that "A DS-1 channel is being used when it has been connected to a DS-0/DS-1 mutliplexer."^{2/} API concludes that adoption of this definition of when a

^{2/} National Spectrum Managers Association, Inc. and Telecommunications Industry Association, Joint Comments, A-75 (February 16, 1995).

DS-1 channel is "being used" would provide sufficient flexibility to satisfy API's concerns regarding channel loading for digital systems.

3. API urges the Commission to set a transition date no sooner than six months following the adoption of a Report and Order in this proceeding. API reiterates its belief that all systems authorized prior to that date and those systems proposed in pending applications should be grandfathered indefinitely and afforded co-primary status with all subsequent systems authorized under the new Part 101.

4. API supports TIA's proposal to permit grandfathered systems to be modified in minor ways without losing their primary status.^{3/} These minor modifications, outlined in TIA's proposed Section 101.4, would include a change in antenna azimuth; antenna beam width; channel loading; emission; station location; antenna height; authorized power; or authorized frequencies.^{4/}

^{3/} Id. at A-16.

^{4/} Id. at A-16.

5. API agrees with TIA that all applications and major technical amendments must certify that coordination, including response, has been completed.^{5/} In addition, API supports TIA's proposal that a notification process should be used in place of coordination for minor changes which do not promote interference.^{6/}

WHEREFORE, THE PREMISES CONSIDERED, the American Petroleum Institute respectfully submits the foregoing Reply Comments and requests the Federal Communications Commission take action in a manner consistent with the views expressed herein.

Respectfully submitted,

AMERICAN PETROLEUM INSTITUTE

By: 

Wayne V. Black
John Reardon
Keller and Heckman
1001 G Street, N.W.
Suite 500 West
Washington, D.C. 20001
(202) 434-4100

Its Attorneys

Dated: March 17, 1994

^{5/} Id. at A-46.

^{6/} Id. at A-35, A-46.